

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PENSION FUND OF CEMENT MASONS')	
UNION LOCAL UNION NO. 502, <i>et al.</i> ,)	
)	CASE NO.: 20-CV-4187
Plaintiffs,)	
)	JUDGE: GETTLEMAN
vs.)	
)	MAG. JUDGE: GILBERT
INDEPENDENT PAVING CO., INC., an)	
Illinois corporation,)	
)	
Defendant.)	

PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL

NOW COME the Plaintiffs, the PENSION FUND OF CEMENT MASONS' UNION LOCAL UNION NO. 502 *et al.*, ("Plaintiffs"), by and through their attorneys, JOHNSON & KROL, LLC, and pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure hereby submit this Notice of Voluntary Dismissal without Prejudice as follows:

1. Plaintiffs are the PENSION FUND OF CEMENT MASONS' UNION LOCAL UNION NO. 502; CEMENT MASONS' INSTITUTE LOCAL 502 WELFARE TRUST FUND; CEMENT MASONS' LOCAL 502 AND PLASTERERS AREA 5 ANNUITY FUND; CEMENT MASONS' LOCAL NO. 502 RETIREE WELFARE FUND; CEMENT MASONS' ROCK ASPHALT AND COMPOSITION FLOOR FINISHERS LOCAL UNION NO. 502 A.F.L-C.I.O. SAVINGS FUND; CEMENT MASONS' UNION LOCAL 502 APPRENTICE EDUCATIONAL AND TRAINING TRUST; CEMENT MASONS' LOCAL UNIONS 502, 803 AND 11 AREAS 161, 362 AND 638 LABOR MANAGEMENT COOPERATION TRUST FUND; and CEMENT MASONS' UNION LOCAL NO. 502 PLASTERERS AREA 5.

2. Defendant is INDEPENDENT PAVING CO., INC.
3. On July 16, 2020, Plaintiffs filed this lawsuit to recover alleged unpaid liquidated damages and interest from the Defendant.
4. As of today's date, the Parties have resolved their disputes in the lawsuit.
5. Rule 41(a)(1)(A)(i) provides that "the Plaintiff may dismiss an action without court order by filing a notice of dismissal before the opposing party serves either an answer or motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i).
6. Defendant has yet to serve an Answer or Motion for Summary Judgment in this matter.

WHEREFORE, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiffs hereby dismiss this matter without prejudice.

Respectfully Submitted,

**PENSION FUND OF CEMENT MASONS'
UNION LOCAL UNION NO. 502 *et al.***

/s/ Lucas J. Habeeb - 6329755
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on today's date, July 28, 2020, he served a copy of *Plaintiffs' Notice of Voluntary Dismissal* to the Defendant via Electronic Mail at the addresses listed below.

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/s/ Lucas J. Habeeb - 6329755
One of Plaintiffs' Attorneys